



PATENT 21067YP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Richard N. Pierson III, et al. Examiner: Gregg Polansky  
Serial No.: 10/501,999 Art Unit: 1614  
Date Filed: July 20, 2004 Customer No.: 000210  
Title: TREATING STRESS RESPONSE WITH CHEMOKINE RECEPTOR CCR5  
MODULATORS

March 18, 2009

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
FILED WITH A CORRESPONDING  
REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. §1.114**

Dear Sir:

Applicants hereby submit this request for continued examination ("RCE") including a Supplemental Information Disclosure Statement ("IDS") in connection with the above-identified application. Pursuant to 37 C.F.R. §1.114, prior to filing a notice of appeal, an applicant may file an RCE of an application including the fee set forth in 37 C.F.R. §1.7(e) so as to file a submission such as an IDS.

A Final Office Action was issued by the United States Patent and Trademark Office on January 7, 2009 in connection with the above-identified application. Applicants have not filed a Notice of Appeal. In lieu of filing a Notice of Appeal, applicants are filing an RCE in order to submit this Supplemental IDS and request that the Examiner consider the enclosed Supplemental IDS and the references cited therein. Accordingly, this RCE and Supplemental IDS are being timely filed.

**EXPRESS MAIL CERTIFICATE**

DATE OF DEPOSIT March 18, 2009

EXPRESS MAIL NO. EM 046775285 US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO: MAIL STOP RCE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

MERCK & CO., INC

BY:  DATE: March 18, 2009

**Supplemental Information Disclosure Statement**

Applicants are filing this Supplemental Information Disclosure Statement to supplement the Information Disclosure Statement filed on March 16, 2005 and the Supplemental Information Disclosure Statement filed on June 11, 2007 in connection with the above-identified application.

In accordance with their duty of disclosure under 37 C.F.R. 1.56, applicants direct the Examiner's attention to the following references which are listed on the attached Form PTO-1449 (**Exhibit A**). A copy of each reference listed below, i.e. references 1- 8, is attached hereto as **Exhibits 1- 8**.

1. International Preliminary Examination Report issued on September 5, 2003 in connection with PCT International Application No. PCT/US03/01874, filed January 22, 2003, International Publication No. WO03/061659, published July 31, 2003, on behalf of Merck & Co., Inc. and Vanderbilt University (**Exhibit 1**);
2. Examiner's Re-Examination Report issued on January 16, 2008 in connection with Australian Patent No. 2003207646, granted on behalf of Merck & Co., Inc. and Vanderbilt University (**Exhibit 2**);
3. Amendment in Response to January 16, 2008 Re-Examination Report filed on March 12, 2008 in connection with Australian Patent No. 2003207646, granted on behalf of Merck & Co., Inc. and Vanderbilt University (**Exhibit 3**);
4. Examiner's Communication issued April 2, 2008 in connection with Australian Patent No. 2003207646, granted on behalf of Merck & Co., Inc. and Vanderbilt University (**Exhibit 4**);
5. Communication Pursuant To Article 94(3) EPC issued on December 19, 2007 in connection with European Application No. 03705865.8, filed on behalf of Merck & Co., Inc. et al. (**Exhibit 5**);

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6. Response to Communication Pursuant To Article 94(3) EPC filed on August 4, 2008 in connection with European Application No. 03705865.8, filed on behalf of Merck & Co., Inc. et al. (**Exhibit 6**);
7. Communication Pursuant To Article 94(3) EPC issued on September 1, 2008 in connection with European Application No. 03705865.8, filed on behalf of Merck & Co., Inc. et al. (**Exhibit 7**); and
8. Response to Communication Pursuant To Article 94(3) EPC filed on March 3, 2009 in connection with European Application No. 03705865.8, filed on behalf of Merck & Co., Inc. et al. (**Exhibit 8**);

The subject application is a §371 national stage application of PCT International Application No. PCT/US03/01874, filed January 22, 2003. An International Preliminary Examination Report was issued on September 5, 2003 in connection with PCT International Application No. PCT/US03/01874. A copy of the International Preliminary Examination Report is attached hereto as **Exhibit 1**.

Australian Patent No. 2003207646 is a related foreign patent that also claims priority of PCT International Application No. PCT/US03/01874, filed January 22, 2003. An Examiner's Re-Examination Report was issued on January 16, 2008 in connection with Australian Patent No. 2003207646, a copy of which is attached hereto as **Exhibit 2**. An Amendment was filed in Response to January 16, 2008 Re-Examination Report on March 12, 2008 in connection with Australian Patent No. 2003207646, a copy of which is attached hereto as **Exhibit 3**. An Examiner's Communication was issued on April 2, 2008 in connection with Australian Patent No. 2003207646, a copy of which is attached hereto as **Exhibit 4**.

European Application No. 03705865.8 is a related foreign application that also claims priority of PCT International Application No. PCT/US03/01874, filed January 22, 2003. A Communication Pursuant To Article 94(3) EPC was issued on December 19, 2007 in connection with European Application No. 03705865.8, a copy of which is attached hereto as **Exhibit 5**. A Response to Communication Pursuant To Article 94(3) EPC was filed on August 4, 2008 in connection with European Application No. 03705865.8, a copy of which is attached hereto as **Exhibit 6**. A Communication Pursuant To Article 94(3) EPC was issued on September 1, 2008 in connection with European Application No.

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03705865.8, a copy of which is attached hereto as **Exhibit 7**. A Response to Communication Pursuant To Article 94(3) EPC was filed on March 3, 2009 in connection with European Application No. 03705865.8, a copy of which is attached hereto as **Exhibit 8**.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone her at the number provided below.

No fee, other than the \$810.00 RCE filing fee, is deemed necessary in connection with the filing of this RCE including a Supplemental IDS. However, if any additional fee is required, authorization is hereby given to charge the large entity amount of such fee to Deposit Account No. 13-2755 referencing attorney docket number 21067YP.

Respectfully submitted,

By Maria V. Marucci  
Maria V. Marucci  
Reg. No. 59,895  
Attorney

MERCK & CO., INC.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
(732) 594-1637

# EXHIBIT A